



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 2, 1993

Ms. Elaine Piper  
Assistant City Attorney  
Police Legal Advisor  
The City of El Paso  
2 Civic Center Plaza,  
El Paso, Texas 79999

OR93-072

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 18230.

The El Paso Police Department received a request for "the police report and any other supplemental reports filed in . . . [a certain] case" from the Crime Victim's Compensation Division of the Office of the Attorney General. You assert that you may withhold all of the requested information based on section 3(a)(3) of the Open Records Act. You also assert that you may withhold a portion of the requested information, the claimant's medical records, based on section 3(a)(1) of the Open Records Act, in conjunction with section 5.08(b) of the Medical Practices Act, V.T.C.S. article 4495b. We conclude that the Open Records Act does not govern your duty to release the requested information. Our explanation follows.

The Crime Victim's Compensation Act [the act] authorizes the attorney general to approve or reject a crime victim's claim for compensation. V.T.C.S. article 8309-1, section 6. In so doing, the attorney general must review, verify and investigate applications. *Id.* section 5. The attorney general may also conduct a hearing when necessary for the proper evaluation of an application. *Id.* Section 5(e) of the act states in part that

[i]ncident to its review, verification, and hearing duties under this Act, the attorney general shall have the following powers:

(1) to request from prosecuting attorneys and law enforcement officers investigations and data to enable the attorney general to determine whether and the extent to which a claimant qualifies for an award;

This provision authorizes the transfer to the attorney general from prosecuting attorneys and law enforcement officers of information which would assist the attorney general in determining whether a claimant is entitled to compensation under the act. Authorized interagency transfers are not disclosures to the public; the exceptions to public disclosure in the Open Records Act do not apply. *See* Attorney General Opinions H-683 (1975); H-242 (1974); Open Records Decision No. 516 (1989). Thus, since the Crime Victim's Compensation Division of the Office of the Attorney General has requested this information from the El Paso Police Department pursuant to its authority to verify claims for compensation, the public disclosure of this information is not at issue. *Cf.* Open Records Decision Nos. 598 (1991) (Open Records Act does not govern access to information when requestor granted access by other statute); 478 (1987) (same); 451 (1986) (same). Accordingly, the Open Records Act is inapplicable, and, therefore, we do not consider the exceptions you raised to the public disclosure of this information.

The authority of the Crime Victim's Compensation Division of the Office of the Attorney General to gain access to this information is outside of the Open Records Act. Its authority to obtain this information is found in section 5(e) of the act. Under that provision, you must release the information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR93-072.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/GCK/lmm

cc: Ms. Shar Perry  
Crime Victims Compensation Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

Enclosures: submitted documents

Ref.: ID#18230